strued, and the taker in such case, claims "by, through or under" the former holder of the title who is paid for it by the taker. At one time the right of eminent domain was considered to be a kind of reserved right or estate remaining in the sovereign as paramount to the individual title. PUFFENDORF, I. 8 c. 5 Sec. 3, called it the "exercise of transcendental propriety." As though its exercise was the resumption of possession of that which it had previously granted to the citizen upon condition that it might be resumed to meet the requirements of the public. See *Commonwealth* v. *Alger,* 61 Mass. 90; *Todd* v. *Austin,* 34 Conn. 78. This view is not approved by the weight of authority and reason at the present time. It is considered to be a necessary attribute of sovereignty and estate rather than a reserved right. *Noll* v. *Dubuque, B. & M. R. R. Co.,* 32 Ia. 66; *Bloodgood* v. *M. & H. R. R. Co.* (N. Y.), 18 Wend. 9, 57; LEWIS EM. DOM. § 3; RANDOLPH, § 3. The question as to whether it is an original or derivative title does not seem to be definitely settled. It is not often directly alluded to in this phase. In 15 Cyc. 1020 it is said that "the title acquired by condemnation proceedings is not one of privity but of a character that is sometimes denominated as a new title." Citing *Emery* v. *Boston Term. Co.,* 178 Mass. 172, 86 Am. St. Rep. 473; see also *Goodyear Shoe Co.* v. *Machy Co.,* 176 Mass. 115; *Dingley* v. *Boston,* 100 Mass. 554, 559; cited by this court. Contrary inferences would be drawn from such expressions as: "Condemnation can pass no greater title or right than the parties have against whom proceedings are had." And "condemnation proceedings are no more than a compulsory sale of all the owner's interest." The *Charleston & Western Car. R. R. Co.* v. *Hughes,* 105 Ga. 1; *Anderson* v. *Rochester, Lockport and Niagara Falls R. R. Co.,* 9 How. Pr. (N. Y.) 553. There seem to be no cases that are directly in point.

CRIMINAL LAW—EXCLUSION OF PUBLIC FROM TRIAL.—The defendant was tried and convicted of rape. In the course of the trial the prosecutrix was required to minutely describe the details of the offense. The presence of the crowd in the court room, however, so embarrassed the prosecutrix that the prosecution could not elicit a statement full enough to put the proper evidence before the jury. The court thereupon, against the objection of the defendant, ordered all persons excluded from the court room while the prosecutrix gave her testimony. *Held,* that such exclusion for a temporary purpose only was not a denial of the right of a public trial to the defendant. *State* v. *Callahan* (1907), — Minn. —, 110 N. W. Rep. 342.

Upon this point it was recently held in Ohio that exclusion of the public from the court room on account of the character of the testimony was a denial of a public trial. In that instance, however, the exclusion was for the entire trial, and such a case is distinguished in the principal case. However, as pointed out in a dissenting opinion, it is difficult to see where the line is to be drawn if exclusions of the kind in the principal case are allowed. If the public can be excluded while one witness testifies why not while others or all others testify? For a further discussion of this principle and citation of cases see 5 MICHIGAN LAW REV. 471.